

EXHIBIT 3

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VERIGY US, INC.

REDACTED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

Case No.

**DECLARATION OF ROBERT
POCHOWSKI IN SUPPORT OF
PLAINTIFF'S EX PARTE APPLICATION
FOR TEMPORARY RESTRAINING
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

REDACTED PUBLIC VERSION OF

CONFIDENTIAL

DOCUMENT SUBMITTED UNDER SEAL

1 I, Robert Pochowski, declare as follows:

2 1. I am President of Attest Technologies. Prior to my current position, I worked at
3 Agilent Technologies Inc. ("Agilent") from June 2004 to July 2005 as Vice President / General
4 Manager of the California Semiconductor Test Division. After my departure, Agilent spun-off a
5 successor-in-interest, Verigy US, Inc. ("Verigy"). As Vice President / General Manager of the
6 California Semiconductor Test Division at Agilent, I contributed to a patent for a test system.
7 Except for matters asserted on information and belief, which I am informed and believe to be true,
8 I make this declaration of my personal knowledge and, if called as a witness, I could and would
9 testify competently to the facts set forth herein.

10 2. Romi Omar Mayder ("Mayder") was an engineer working in my division at
11 Agilent. I met Mayder while consulting at Agilent prior to being hired as the General Manager.

12 3. Agilent designed, developed, manufactured and sold advanced test systems and
13 solutions for the semiconductor industry. It is my understanding and belief that Verigy, as
14 Agilent's successor-in-interest, now designs, develops, manufactures and sells these advanced test
15 systems. These advanced test systems are used in conjunction with wafer probers, probe cards and
16 other semiconductor handling and interface equipment.

17 4. Mayder approached me on or about the first week of June, 2006 and asked me if I
18 would be interested in investing in a company he was starting called Silicon Test Systems
19 ("STS"). He told me that he had an idea for a new business venture that had something to do with
20 a probe card. A probe card is used in conjunction with a test system to make contact with the
21 individual chips so that they can be tested while still in wafer form.

22 5. I agreed to meet with Mayder, and we set up a meeting in my office on or about
23 June 8, 2006. At this meeting, Mayder explained that he had an idea for a Silicon on Sapphire, or
24 "SOS" chip for a probe card that would allow customers to connect one tester channel to multiple
25 devices in a parallel fashion. This would improve the productivity of the current commercially
26 available test systems because they could test more devices simultaneously. I did not believe at
27 that time that Verigy was working on anything related to probe cards. I asked Mayder at this first
28

1 meeting whether Verigy was working on anything in this space and he assured me that Verigy was
2 not.

3 6. Mayder wanted me to invest in STS, and I agreed to explore the idea. At no time
4 did he ask me to sign a non-disclosure agreement ("NDA"). We never formalized my
5 involvement, and ultimately, I did not invest in STS. I did share with Mayder a number of
6 concrete ways to improve the product.

7 7. On June 12, 2006, Mayder sent me an email including an attachment that he
8 described as a first draft of an RFQ, or request for quotation, for [REDACTED]
9 [REDACTED]. To the best of my knowledge, [REDACTED]
10 [REDACTED]. I believe [REDACTED] had
11 communicated with STS before I had any contact with [REDACTED] regarding STS, as the June 12,
12 2006 email from Mayder indicates that [REDACTED] had already provided pricing. It is my
13 understanding and belief that the contact person at [REDACTED] was [REDACTED]. STS
14 continued to work with [REDACTED] throughout my involvement with STS. Attached hereto as
15 Exhibit A is a true and correct copy of Mayder's June 12, 2006 email to me with the attached draft
16 RFQ.

17 8. The draft RFQ attached to Exhibit A stated that the [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED].

23 9. On June 14, 2006, Mayder sent me an email with two attachments. The first
24 attachment was called [REDACTED] and the second attachment, a revision of the
25 document attached to Exhibit A, was called [REDACTED]. Attached hereto as Exhibit B is
26 a true and correct copy of Mayder's June 14, 2006 email to me with attachments. In his email,
27 Mayder asked me to send these two files to [REDACTED] to start the process with
28 them. I do not believe that [REDACTED] had signed an NDA at this time. The RFQ lists me as "STS

Global Commodity Manager," but this is not a position I ever occupied or agreed to. The RFQ is a nine page document that includes detailed requirements and questions for the potential manufacturer. The document called [REDACTED] was intended as the appendix to the RFQ. I never sent these documents to [REDACTED].

10. Attached hereto as Exhibit C is a true and correct copy of a June 20, 2006 email from Mayder to [REDACTED] and copied to me, with attachments. It is my understanding and belief, based in part on the [REDACTED] website at [REDACTED] serves as a consultant and/or sales and marketing representative for [REDACTED]. In the email, Mayder asks [REDACTED] forward the RFQ to the appropriate people at [REDACTED]. The attached documents are revisions of the two documents attached to Exhibit B.

11. Attached hereto as Exhibit D is a true and correct copy of a June 26, 2006 email from Mayder to me, attaching NAND wafersort requirements for various potential customers. The attachments include a [REDACTED] and [REDACTED].

12. Attached hereto as Exhibit E is a true and correct copy of a July 9, 2006 email from Mayder to me. This email includes a powerpoint presentation, the [REDACTED] and an updated of the technical data attached to Exhibit A.

13. Attached hereto as Exhibit F is a true and correct copy of an August 27, 2006 email from Mayder to me attaching [REDACTED] for the [REDACTED] chip.

14. Attached hereto as Exhibit G is a true and correct copy of a September 24, 2006 email from Mayder to me regarding our upcoming meeting [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15. Attached hereto as Exhibit H is a true and correct copy of a September 20, 2006 email from Mayder to me asking me to work with [REDACTED] to change the date on the NDA we

1 were negotiating from September 13, 2006 to October 1, 2006. Mayder's email states that he
2 wants the date changed because "On Spet [sic] 13, 2006, I was still employed at Verigy."

3 16. I continued to explore investing in STS and I continued to give Mayder my advice
4 concerning ways to improve the product. As part of this exploration, Mayder and I met with a
5 number of potential clients, including [REDACTED]. Mayder shared
6 technical data similar to the documents in Exhibits A and E with these companies.

7 17. In or about September 2006, Mayder informed me that his brother, Wesley Mayder,
8 would be investing in his company. This was not my original understanding when I was asked to
9 invest in STS in June. In or about December 2006, Mayder informed me that he did not want me
10 to invest in his company.

11 18. Shortly after my discussions with Mayder concerning STS ended, I carefully went
12 through my correspondence regarding STS to make sure I had a complete and accurate record of
13 the relationship. I made an alarming discovery during this review. The properties windows for
14 the documents in Exhibits A, B and C all indicated that the documents were in fact Agilent
15 documents.

16 19. Specifically, Exhibit A's email attachment's properties indicate that it was
17 originally called "RFQ for [REDACTED] ASIC," and the author was Romi Mayder for Agilent
18 Technologies, Inc. [REDACTED]

19 [REDACTED]
20 [REDACTED] Attached hereto as Exhibit I is a true and correct
21 copy of the properties for this document.

22 20. The properties of the document called [REDACTED] that is part of
23 Exhibit B indicate that the document was originally called [REDACTED] and the author was Andy
24 Lee of Agilent Technologies, Inc. [REDACTED]

25 [REDACTED]
26 Attached hereto as Exhibit J is a true and correct copy of the properties for this document.

27 21. I have also reviewed the properties for the [REDACTED] that is part of Exhibit
28 D. The properties of this document indicate that the author was Hanh Lai of Agilent

1 Technologies, Inc. and [REDACTED]. Attached hereto as
2 Exhibit K is a true and correct copy of the properties for this document.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct.

5 Executed this 16th day of August, 2007 in Sunnyvale, California.

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9 Robert Pochowski
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EXHIBIT A

EXHIBIT FILED UNDER SEAL

EXHIBIT B

EXHIBIT FILED UNDER SEAL

EXHIBIT C

EXHIBIT FILED UNDER SEAL

EXHIBIT D

EXHIBIT FILED UNDER SEAL

EXHIBIT E

EXHIBIT FILED UNDER SEAL

EXHIBIT F

EXHIBIT FILED UNDER SEAL

EXHIBIT G

EXHIBIT FILED UNDER SEAL

EXHIBIT H

EXHIBIT FILED UNDER SEAL

EXHIBIT I

EXHIBIT FILED UNDER SEAL

EXHIBIT J

**EXHIBIT FILED
UNDER SEAL**

EXHIBIT K

EXHIBIT FILED UNDER SEAL